IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2206 of 1994

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GUJARAT STATE ROAD TRANSPORT CORPORATION - Petitioner(s)

Versus

J R RANA - Respondent(s)

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Appearance :

MR PRANAV G DESAI for Petitioner No(s).: 1.

RULE SERVED for Respondent No(s).: 1.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 19/07/2005

ORAL JUDGMENT

1.0 The petitioner has challenged the order dated 23.09.1993 passed by the Industrial Tribunal, Vadodara,

in Reference (IT) no.18 of 1987, whereby the penalty of stoppage of three increments with cumulative effect passed by the petitioner Corporation was reduced to stoppage of one increment without future effect.

2.0 The respondent herein was working as a Conductor with the petitioner Corporation. On 04.10.1981, while the respondent was on duty, the bus was checked by the Checking Squad of the petitioner and they found certain irregularities in the issuance of tickets. Charge-sheet was issued and departmental inquiry was held against the respondent. Since the charges leveled against the respondent were proved, penalty of stoppage of three increments with cumulative effect was imposed on him.

2.1 Being aggrieved by the said order, the respondent raised an industrial dispute, which ultimately, came to be referred to the Industrial Tribunal, Vadodara, by way of a reference. The Tribunal, vide order dated 23.09.1993, reduced the said penalty as aforesaid. Hence, this petition.

3.0 I have heard learned counsel for the parties and perused the documents placed on record. In the

departmental inquiry held against the respondent, the charges leveled against him were proved. On account of the misconduct committed by the respondent, the petitioner Corporation has suffered financial loss. No cogent reasons have been given by the Tribunal for reducing the penalty imposed by the petitioner Corporation. In my opinion, looking to the misconduct committed by the respondent, the penalty imposed by the petitioner is appropriate and the Tribunal ought not to have reduced the same.

4.0 In above view of the matter, the petition is allowed. The order dated 23.09.1993 passed by the Industrial Tribunal, Vadodara, in Reference (IT) no.18 of 1987 is quashed and set aside. The order of the petitioner Corporation imposing penalty of stoppage of three increments with cumulative effect is confirmed. Rule is made absolute accordingly with no order as to costs.

(K. S. JHAVERI, J.)

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